



**Indiana Pro Bono Commission**  
230 East Ohio Street, Suite 200  
Indianapolis, IN 46204

**Indiana Bar Foundation**  
230 East Ohio Street, Suite 200  
Indianapolis, IN 46204

## **COMBINED 2003 DISTRICT REPORT, 2005 PRO BONO GRANT APPLICATION, AND 2005 PLAN**

### **Pro Bono District Four**

**Applicant:** District Four Pro Bono Committee

**Mailing Address:** c/o Honorable David A. Ault, Montgomery Superior Court  
100 East Main Street

**City:** Crawfordsville, IN **Zip:** 47933

**Phone:** (765) 364-6447 **Fax:** (765) 364-6465

**E-mail address:** [judge.ault@montgomeryco.net](mailto:judge.ault@montgomeryco.net)

**Website ddress:** [www.montgomeryco.net](http://www.montgomeryco.net)

**Judicial Appointee:** Hon. David A. Ault, Judge, Montgomery Superior Court

**Plan Administrator:** Hon. David A. Ault, Judge, Montgomery Superior Court

**Names of Counties served:** Benton, Carroll, Clinton, Fountain, Montgomery,  
Tippecanoe, Warren, and White

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<b>Number of registered attorneys in county:</b>	<b>Benton</b>	<u><b>9</b></u>
	<b>Carroll</b>	<u><b>19</b></u>
	<b>Clinton</b>	<u><b>30</b></u>
	<b>Fountain</b>	<u><b>17</b></u>
	<b>Montgomery</b>	<u><b>41</b></u>
	<b>Tippecanoe</b>	<u><b>238</b></u>
	<b>Warren</b>	<u><b>6</b></u>
	<b>White</b>	<u><b>22</b></u>
	<b>in district</b>	<u><b>382</b></u>

Percentage of volunteer attorneys *who accepted a pro bono case in 2003* per registered attorneys in county:

Benton	<u>22.2%</u>
Carroll	<u>15.8%</u>
Clinton	<u>3.3%</u>
Fountain	<u>5.8%</u>
Montgomery*	<u>0%</u>
Tippecanoe	<u>5.8%</u>
Warren	<u>16.6%</u>
White	<u>4.5%</u>
in district	<u>6.0%</u>

Percentage of volunteer attorneys *who have not yet accepted a pro bono case in 2003* per registered attorneys in county:

Benton	<u>77.8.5%</u>
Carroll	<u>84.2%</u>
Clinton	<u>96.7%</u>
Fountain	<u>94.2%</u>
Montgomery*	<u>100%</u>
Tippecanoe	<u>94.2%</u>
Warren	<u>83.4%</u>
White	<u>95.5%</u>
in district	<u>94%</u>

Amount of grant received for 2004: \$1,000.00

Amount of grant (2003 & prior years) projected to be unused as of 12/31/04:

\$11,713.00

Amount requested for 2005: \$30,537

\* As explained in the 2005 Plan Summary, nearly every Montgomery County attorney participates in the Montgomery County Legal Aid program, but participating attorneys do not report case activity to District IV.

<b>PRO BONO DISTRICT NUMBER FOUR LETTER OF REPRESENTATION</b>
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**The following representations**, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

**Operation under Rule 6.5**

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. ~~at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.~~

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results;
- D. submit an annual report to the Commission; and
- E. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but

were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

### **Commitment to Pro Bono Program Excellence**

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

- 1. Participation by the local bar associations and attorneys.** The associations and attorneys believe the program is necessary and beneficial.
- 2. Centrality of client needs.** The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.
- 3. Program priorities.** The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.
- 4. Direct representation component.** The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.
- 5. Coordination with state and local civil legal providers and bar associations.** The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.
- 6. Accountability.** The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.
- 7. Continuity.** The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.
- 8. Cost-effectiveness.** The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

**9. Minimization of barriers.** The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

**10. Understanding of ethical considerations.** The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.

**11. ABA Standards.** The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request. We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

**Explanation of items stricken from the above Letter of Representation:**

The Committee does not currently have two (2) community-at-large representatives. Committee members will actively recruit two (2) community representatives, including at least one (1) present or past recipient of pro bono public services.

**It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.**

**Signatures:**

\_\_\_\_\_  
**Judicial Appointee Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Plan Administrator Signature**

\_\_\_\_\_  
**Date**

## 2005 PLAN SUMMARY

1. Please write a brief summary of the 2005 grant request. Please include information regarding your district's planned activities. The grant request should cover needs to be addressed, methods, target audience, anticipated outcomes, and how past difficulties will be addressed.

**Access to Legal Services for Spanish Speaking Low-Income Persons:** The Committee has been able to hire a part-time Spanish speaking paralegal, Christian Gallo, who began work on July 6, 2004. (Resume attached) Christian is responsible for outreach and educational activities, including contacting and networking with other organizations serving the Spanish speaking community, informing them of the availability of pro bono legal assistance, working with them and committee members to organize informational meetings on various legal topics of interest to the Spanish speaking community. Christian will also translate pamphlets and handouts, perform intake for Spanish speaking clients, and assist pro bono attorneys in their representation of Spanish speaking clients. Christian is working out of the ILSI Lafayette office and is supervised by Ed Stachowicz, the managing attorney.

**Attorney Recruitment and Recognition:** Recruitment of additional volunteer attorneys continues to be a high priority for the Committee. In 2005, committee members will continue their personal efforts to recruit new volunteer attorneys. A CLE program will be sponsored by the Committee to recruit new volunteer attorneys. Volunteer attorneys will be recognized during law week activities in each county.

**Increasing number of Volunteer Attorney cases:** The greatest challenge for the Committee is increasing the number of cases volunteer attorneys actually accept in the grant year. The Committee's goal is to refer at least two (2) cases to each volunteer attorney in 2005.

**Montgomery County Legal Aid:** Organized by the Montgomery County Bar Association, Montgomery County Legal Aid ("MCLA") has a long history of serving the legal needs of low-income individuals in Montgomery County. Though earlier in this report the percentage of volunteer attorneys from Montgomery County who accepted a pro bono case in 2003 reflected 0%, nearly every Montgomery County attorney did so. Montgomery County attorneys participate in a week long rotation as the "legal aid" attorney twice per year. The Committee will continue working with MCLA in an effort to "quantify" both the number of individuals served by HCLA, and the number of hours donated by MCLA volunteer attorneys.

**Client intake, eligibility screening, case referral, and administration:** ILSI will conduct prospective client intake, eligibility screening, case referral and other administrative responsibilities, including malpractice insurance coverage for participating attorneys, record keeping and statistical reporting. Legal Aid Corporation of Tippecanoe County will also conduct prospective client intake, eligibility screening, case referral and volunteer attorney recruitment in Tippecanoe County, and will administer District IV funds.

**Community Legal Educations Presentations:** One community legal education program will be held in each county in the District. The programs will be scheduled in conjunction with a larger function or series of events, to take advantage of increased publicity and community support.

**Support of Pro Se Activities:** The Committee will continue efforts to seek the cooperation and support of the Bench in each county to facilitate access to and use of pro se materials by pro se litigants. The Committee will work with ILSI to make pro se materials available to low-income litigants. The Committee has funded the printing of copies of Indiana's Parenting Time Guidelines in booklet form for distribution throughout District IV to low-income pro se litigants.

**Increasing Committee Effectiveness:** In order to better distribute the work of the committee and help establish distinct goals and action plans to advance the work of the District IV committee, the following three (3) subcommittees have been formed: Recruitment and Retention, Programs/Outreach and Board Governance. Each subcommittee has been given specific responsibilities (see attached Subcommittee Assignments) all designed to further the District IV 2005 plan.

## 2003 REPORT OF VOLUNTEER LAWYER CASES IN DISTRICT FOUR

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 6A. Please list each attorney only once in the volunteer lawyer column but complete one line for each pro bono case for that attorney.

### Definitions:

Case: A legal matter referred to and accepted by a pro bono attorney volunteer.

Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program. This does not include attorneys who are on the list of pro bono volunteers but who have never taken a case. The case numbers do not include cases screened, only cases actually referred to a pro bono attorney.

Case Type: Please use the abbreviations listed in Indiana Supreme Court Administrative Rule 8(B)(3)

**Name of Pro Bono Provider** (includes legal service provider, court, plan administrator, bar association, and other organizations): District IV Pro Bono Committee

**IOLTA funding accounts for 100 % of total pro bono provider budget.**

Volunteer Lawyer Name	County	Year Case Accepted	Year Case Closed	Number of Hours	Case Type
Rod Ray	Tippecanoe	2002	2003	15.0	Divorce
Nancy Litzenberger	Warren	2002	2003	5.3	Guardianship
Barry T. Emerson	Carroll	2002	2003	5.0	Divorce
Donald C. Leicht	Tippecanoe	2002	2003	7.5	Custody
Cindy Smith	Tippecanoe	2002	2003	8.0	Divorce
Thomas McConnell	Benton	2002	2003	4.0	Divorce
Roger W. Bennett	Tippecanoe	2002	2003	10.9	Guardianship
Patrick F. Manahan	White	2003	2003	1.0	Guardianship
Vincent F. Grogg	Fountain	2002	2003	20.0	Divorce
R. Perry Shipman	Benton	2003	2003	4.0	Divorce
R. Perry Shipman	Benton	2001	2003	2.0	Divorce
George Hanna	Tippecanoe	2003	2003	1.0	Divorce
Robert T. Ives	Tippecanoe	2001	2003	6.0	Divorce
Stan Miller	Tippecanoe	2002	2003	8.0	Custody
Lori Stein Sabol	Tippecanoe	2002	2003	1.0	Bankruptcy
Randall Vonderheide	Tippecanoe	2002	2003	2.0	Custody
<b>SUBTOTAL:</b>	<b>16</b>			<b>SUBTOTAL:</b>	<b>100.7</b>



**Name of Pro Bono Provider** (includes legal service provider, court, plan administrator, bar association, and other organizations): District IV Pro Bono Committee

**IOLTA funding accounts for 100 % of total pro bono provider budget.**

[illegible]

This limited legal information chart can include activities such as pro se clinics and call-in or walk-in informational services.

**Name of Pro Bono Provider** (includes legal service provider, court, plan administrator, bar association, and other organizations): \_\_\_\_\_

[illegible]

## 2003 REPORT

Please list your District's 2003 activities--including committee meetings, training, attorney recognition, marketing and promotion--in chronological order.

<u>Date</u>	<u>Activity</u>
6/17/2003	<u>District IV Executive Committee Meeting</u> Planning meeting for 2002 report and 2004 Grant application
8/14/200	<u>Submitted 2002 District 2002 Report and 2004 Grant Application and 2004 Plan</u>
9/26/2003	<u>District IV Executive Committee Meeting</u> Planning meeting for Committee activities for remainder of year.
10/23/03	<u>District IV Executive Committee Meeting</u>  <u>District IV Executive Committee meeting with Legal Aid Corporation of Tippecanoe County Board Representatives</u> Discussed proposal for contract services by LACTC in Tippecanoe County and Hispanic outreach in District IV.
10/24/03	<u>Pro Bono Retreat</u> State Pro Bono Retreat for Pro Bono Administrators attended by ILSI Pro Bono Coordinator Linda Barkey
11/18/03	<u>District IV Committee Meeting</u> Discussed revised 2004 budget and approved contract services by LACTC for coordination of Pro Bono efforts in Tippecanoe County and Hispanic outreach programs in District IV. (See attached minutes)

## 2003 REPORT

**Please provide a short summary of how the provision of pro bono service is coordinated in your district, including the intake process, the relationships of pro bono providers in the district, how referrals are made, and how reporting is done.**

The Lafayette Indiana Legal Services ("ILS") office coordinates Community Volunteer Lawyers Panels in Benton, Carroll, Clinton, Fountain, Warren and White Counties. ILS conducts intake, screens for eligibility and refers cases to panel members. ILS periodically monitors case progress including hours spent, offers malpractice insurance, and litigation expense support. Legal Aid Corporation of Tippecanoe County ("LACTC") coordinates these responsibilities for Tippecanoe County. Panel members contacted directly by potential clients can refer clients to ILS and LACTC for referral back to the panel member.

Montgomery County has maintained a separate program, Montgomery County Legal Aid for many years. Participating attorneys serve as legal aid lawyer of the week two (2) weeks each year, seeing indigent individuals seeking pro bono legal services. Referrals are made by the Montgomery County Clerk's office and by ILS.

**Please describe any special circumstances, including difficulties encountered, affecting your District's 2003 implementation of its plan.**

The committee's efforts to recruit a Spanish speaking paralegal were hampered by the need to reduce the position to part-time. The committee was poised to offer the position to a Purdue graduate student mid-year, however, the candidate withdrew in June. Fortunately, the committee was able to hire Christian Gallo, an attorney from Argentina (not licensed to practice in Indiana), who is enrolled in Indiana University Law School, Indianapolis LLM program. Christian began work on July 6, 2004.

The committee continues to desire to conduct community legal education programs in each county, but has realized that the planning, organizing and coordination of such events requires a bit more "staffing" to put them together. In the spring of 2003, ILS's Pro Bono coordinator left and the new coordinator was not able to provide the necessary staffing to organize the programs. That person has recently left and a new coordinator has been hired. Fortunately, the new coordinator (Jennifer A. Miller) has eight years previous experience with the Lafayette ILS office, and with the assistance of the part-time outreach paralegal, the committee hopes to be able to conduct the programs in 2005.

# **BUDGETS FOR 2003, 2004 AND 2005 *FOR IOLTA FUNDS ONLY***

<b>Cost Category</b>	<b>2003 Actual ex- penditures</b>	<b>2003 Budget</b>	<b>2004 Actual ex- penditures</b>	<b>2004 Budget</b>	<b>2005 Budget</b>
<b>A. Personnel Costs</b>					
1. Plan Admin- istrator					
2. Paralegals		4,500	6,750	13,500	15,000
3. Others					
4. Employee benefits					
a. Insurance			4,964	8,894	9,800
b. Retirement plans					
c. Other		1520		1,033	1,150
<b>5. Total Per- sonnel Costs</b>		6,020	11,714	23,427	25,950
<b>B. Non- Personnel Costs</b>					
1. Occupancy		750			
2. Equipment rental		200			
3. Office sup- plies	56	400			
4. Telephone		600			
5. Travel		650	683	683	2000
6. Training		200	250	250	400
7. Library					
8. Malpractice insurance	250	250			500
9. Dues and fees					
10. Audit					
11. Contingent reserve		1,500			
12. Litigation re- serve					
13. Marketing and promotion	331	400	400	400	400
14. Attorney recognition					
15. Litigation	70	1,000	1,000	1,000	1,000

Expenses (includes expert fees)					
16. Property Acquisition					
17. Contract Services (LACTC)			10,067	10,067	10,000
18. Grants to other pro bono providers					
19. Other		2,000	2,903	2,903	2,000
<b>20. Total Non-Personnel Costs</b>	707	7,950	15,303	15,303	16,300
<b>C. Total Expenditures</b>	707	13,970	27,017	38,730	42,250

IOLTA funds received 2003: \$10,260 IOLTA funds received 2004: \$1,000

## **Budget Narrative**

Please provide descriptions of the following line items in the foregoing budget chart, by item number, in the space provided.

Lines (A)(1), (2), (3) Please indicate the number of hours per week for each personnel position and rate of pay.

Pablo Christian Gallo, District IV Pro Bono Outreach Paralegal, employed at 20 hours per week at \$13,500.00 per year, plus FICA, Unemployment Insurance and Health Insurance.

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Line (B)(1) Please describe the occupancy cost in terms of square footage, utilities or other amenities and indicate whether the occupancy cost is above or below the market rate for that space.

N/A

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<b>ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:</b>
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January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
<b>December 1:</b>	<b>IBF grant agreement due and revised budget due</b>